

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID M. TROTMAN,

Plaintiff,

-against-

J. DOE PROSECUTOR, NY SUPREME, et al.,

Defendants.

24-CV-5319 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated in the Otis Bantum Correctional Center on Rikers Island, brings this *pro se* action under 42 U.S.C. § 1983. He brings claims arising from his criminal case pending in the New York Supreme Court, New York County. For the following reasons, the Court dismisses this action without prejudice.

On the same day Plaintiff filed this action, he submitted to this court an identical complaint commencing another civil action in which he asserted the same claims against the same defendants. That action is presently pending in this court under docket number 24-CV-5409. Because this complaint is identical to the one filed in that other action, no useful purpose would be served by litigating this duplicative action. The Court therefore dismisses this action as duplicative, without prejudice to Plaintiff's pending action under docket number 24-CV-5409.

In light of the Court's belief that Plaintiff may have submitted the two duplicate complaints in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

CONCLUSOIN

The Court dismisses this action without prejudice as duplicative of the action filed in this court under docket number 24-CV-5409. All other pending matters in this action are terminated.

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment dismissing this action for the reason set forth in this order.

SO ORDERED.

Dated: September 11, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge